
The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Michelle Broussard-Johnson.

DIGEST

Gray Evans (SB 90)

Proposed law creates the La. Statewide Education Facilities Authority within the Dept. of Education, domiciled in East Baton Rouge Parish. Provides that the purpose of the authority is to provide funding, coordination, assistance, and oversight for the repair, renovation, and construction of public school facilities.

Provides that the authority be governed by a board of commissioners comprised of seven members as follows:

1. Three members appointed by the governor, subject to Senate confirmation, with a background in construction, architecture, or finance.
2. Two members appointed by the State Board of Elementary and Secondary Education (BESE), subject to Senate confirmation, with a background in construction, architecture, or finance.
3. The state superintendent of education or his designee.
4. One member appointed by the La. School Boards Association, subject to Senate confirmation.

Requires that members be appointed no later than October 1, 2009 and that vacancies be filled in the manner of original appointment.

Requires appointing authority shall ensure the membership of the board is balanced geographically and that the membership is diverse.

Provides that four members of the board constitute a quorum and that all official actions of the board require an affirmative vote of a majority of the members present and voting.

Provides that board members serve without compensation but may be reimbursed for necessary and actual expenses incurred in the course of their board duties.

Requires the board to employ a qualified executive director with a background in construction, architecture, or finance to administer the daily functions of the authority, including hiring staff.

Requires that the board meet and organize no later than October 16, 2009.

Requires the authority to do the following:

- (1) Conduct a statewide assessment of public school facilities to assess and evaluate the quality and condition of existing public school facilities and compile a school-by-school inventory of facility deficiencies and needs.
- (2) Collaborate with local school boards to determine how best to meet their specific facilities needs.
- (3) Review applications from local school boards for funding for school facility repairs, renovations, and construction.
- (4) Consult with the Education Facilities Advisory Council on all funding and policy decisions.
- (5) Develop a formula and mechanism to assess and prioritize applications for funding local projects based upon best practices and submit such formula and mechanism to the Joint Legislative Committee on the Budget for approval. Provides that the formula take into consideration student health and safety, projected demographic changes, adequate space needed to accommodate projected student enrollment, and the ability of the local school system to finance school repairs, renovations, and construction projects. Requires the formula to ensure that funds are allocated to local school systems proportionally throughout the state based upon the regions established by the BESE for the Regional Education Service Centers. Further requires the formula to develop a means for determining the amount of local funds that a local school system must contribute to a project funded by the authority which emphasizes the ability of the school system to fund projects locally. Provides that the authority may not fund any project at 100% of the cost, except for emergency repairs necessitated by a natural disaster.
- (6) Adopt and promulgate necessary rules and regulations in accordance with the Administrative Procedure Act.
- (7) Report annually to BESE.

Authorizes the authority to do the following:

- (1) Sue and be sued, including the right to recover all debts owing to the authority.
- (2) Accept donations, bequests, equipment, supplies, materials, services, or other forms of financial assistance for education or construction purposes from any public or private person or agency and comply with rules and regulations governing grants from the federal government or from any other person or agency, which are not in contravention of state law.
- (3) Appoint, contract with, or employ legal counsel, bond counsel, accountants, construction

and financial experts, architects, engineers, underwriters, financial advisors, trustees, managers, and consultants, and others to carry out the functions of the authority and to fix the compensation for same.

- (4) Provide funds on an emergency basis to repair school facilities damaged by fire, flood, wind, storm, earthquake, hurricane or other natural occurrence. Additionally provides that such emergency repairs may be funded at 100% of project cost.
- (5) Establish design specifications for school facility repair, renovation, and construction projects approved for funding, including energy efficiency and construction materials.
- (6) Perform such other acts as are necessary or appropriate to effectively carry out the purposes of the authority.

Proposed law additionally creates and provides for the appointment of the 13-member Education Facilities Advisory Council to provide advice and input to the La. Statewide Education Facilities Authority board of commissioners to inform policy and funding decisions made by the board.

Provides that participation by a local school board in any program implemented by the authority is voluntary.

Provides that a local school board retains ownership and control over any school facility for which funding for repairs, renovation, or construction was obtained through the authority.

Authorizes the authority to serve in an oversight capacity over a project undertaken by a local school board to repair, renovate, or construct a school facility only to the extent that the project is funded through the authority.

Authorizes the authority to seek and accept gifts, grants, donations, including federal funds, from any available source. Provides that implementation of proposed law requiring the expenditure of funds is subject to the availability of public or private funds, or both, for such purposes.

Limits the implementation of the La. Statewide Education Facilities Authority Act subject to the appropriation of state funds by the legislature for such purpose.

Effective August 15, 2009.

(Adds R.S. 17:409.1 - 409.7 and R.S. 36:651(BB))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Education to the original bill.

1. Removes authority for the authority to transact official business after loss of a meeting quorum.
2. Removes the authority for the authority to issue bonds and other forms of indebtedness.
3. Makes technical changes.

Committee Amendments Proposed by Senate Committee on Finance to the engrossed bill.

1. Limits the implementation of the La. Statewide Education Facilities Authority Act subject to the appropriation of state funds by the legislature for such purpose.

Senate Floor Amendments to engrossed bill.

1. Clarifies that appointed members shall "be geographically balanced and diverse."
2. Clarifies that the board shall meet and organize "no later than October 16, 2009."
3. Technical corrections made.
4. Clarifies the authority shall consult with the Education Facilities Authority Advisory Council "to develop a formula to access funding applications for local school boards."
5. Clarifies that allocated funds are "proportional to school populations by region."
6. Clarifies that a project must not be funded at 100% except "in the event of an emergency, fire, hurricane, or other natural occurrence."
7. Allows design specification for school repair or renovation; for review of funding to support construction or rehabilitation; and requires a legislative report by December 2010.
8. Allows for an assessment of public school facilities, in order to create an inventory of inadequacies and essentials.
9. Allows review of funding applications; hiring of an executive director who will manage assignments; hiring of necessary staff; provide a funding list to the Joint Legislative Budget Committee; and issue an annual activity report to the Legislature.